

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

CIVIL ACTION NO. 04-395-t

BOSTON TOMATO & PACKAGING, LLC.,
ET AL,

Plaintiffs

VS.

CAPITOL FOOD DISTRIBUTORS, LLC.,
ET AL,

Defendants

STIPULATION, AGREEMENT AND ORDER FOR JUDGMENT

Now come the Plaintiffs and the Defendants, Capitol Food Distributors, LLC. ("Capitol"), A 1 Food Distributors, Inc. ("A 1") and Benedetto A. Cerilli, Jr. ("Cerilli") and agree that the following judgment shall be entered:

1. Judgment for Boston Tomato & Packaging LLC ("Boston Tomato") on Counts I, III and III of the complaint against Capitol in the amount of \$9,013.58, including attorneys fees, interest and costs to the date of judgment;
- 2., Judgment for Forlizzi & Bimber, Inc. ("Forlizzi") on Counts IV, V and VI of the complaint against Capitol in the amount of \$4,025.62, including attorneys fees, interest and costs to the date of judgment;
3. Judgment for Grant Stanton Produce Company, Inc. ("Grant Stanton") on Counts VII, VIII and IX of the complaint against Capitol in the amount of \$2,547.98, including attorneys fees, interest and costs to the date of judgment;
4. Judgment for Peter Condakes Company, Inc. ("Condakes") on Counts X, XI and XII of the complaint against Capitol in the amount of \$3,412.81, including attorneys fees, interest and costs to the date of judgment;
5. Judgment for Boston Tomato, Forlizzi, Grant Stanton and Condakes on Count XIII, each

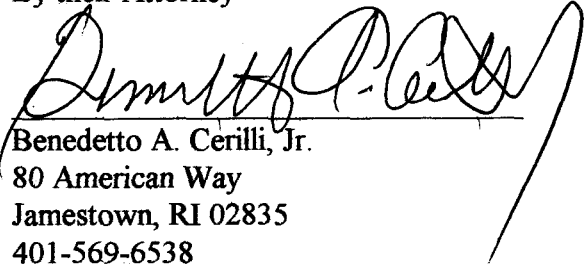
in the respective amounts set forth in paragraphs one through four hereof, against A 1 and Benedetto A. Cerilli, Jr., jointly and severally, for a total of \$19,000, including attorneys fees, interest and costs to the date of judgment;

6. Judgment for Boston Tomato, Forlizzi, Grant Stanton and Condakes on Counts XIV and XV, each in the respective amounts set forth in paragraphs one through four hereof, against Capitol, A 1 and Benedetto A. Cerilli, Jr., jointly and severally, for a total of \$19,000, including attorneys fees, interest and costs to the date of judgment;
7. The judgments set forth in paragraphs one through six hereof are not duplicative and are intended to permit Plaintiffs to recover a total of \$19,000.00, including attorneys fees, interest and costs to the date of judgment;
8. Plaintiffs shall each be entitled to recover post-judgment interest at the rates set forth for their respective claims in the Complaint and attorneys fees incurred in connection with the enforcement of the judgment. However, if the sum of \$19,000.00 is paid to Plaintiffs' counsel as follows, time being of the essence, then the judgment shall be deemed satisfied
 - a) \$6,000.00 on or before March 15, 2006
 - b) six consecutive monthly payments commencing on April 15, 2006, consisting of five payments in the amount of \$2,166.66 and a final payment in the amount of \$2,166.70.
9. All rights of appeal are hereby waived and the execution may issue upon notice from Plaintiffs counsel that any of the payments required in paragraph 8 hereof have not been timely made.

PLAINTIFFS
By Their Attorneys

Philip M. Weinstein
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401-521-3500

Capitol Food Distributors, LLC
And A 1 Food Distributors, Inc.
By their Attorney

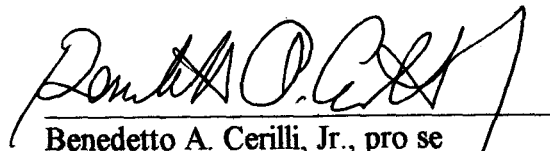

Benedetto A. Cerilli, Jr.
80 American Way
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OSBORNE & FONTE



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Dated: February 24, 2006



Benedetto A. Cerilli, Jr., pro se
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401-569-6538

APPROVED AND SO ORDERED



District Court Judge

2/24/06